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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,796	08/16/2001	Richard C. Corrales	0029-01	3672
23116	7590	10/20/2005	EXAMINER	
ERIC K SATERMO REGISTERED PATENT AGENT P.O. BOX 19099 IRVINE, CA 92623			BRINICH, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**09-931-796**

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT
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PAPER
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20050812

DATE MAILED:

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Commissioner for Patents

**Office Action Summary**

Application No.

09/931,796

Applicant(s)

CORRALES, RICHARD C.

Examiner

Stephen M. Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-13,15-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 3-5,19,21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/16/03, 2/9/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election of claims 1-13 & 15-22 in the reply filed on 8/1/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 6-13, 15-18, & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kainen (US 6115101).

Re claims 1-2, 15, & 20, Kainen discloses (Figures 1-2 & 4; column 3, line 62 - column 4, line 44) a method and apparatus for generating an image in which a plurality of images (1, 2, 4) are retrieved by a computer (8) and imported to a buffer memory (10), a processed image based on the plurality of images is generated (by taking strips from each of the images and

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interleaving them together), and the resulting image is printed by a printer (18) and mounted to a lenticular sheet (22).

Kainen does not describe the importation of the original images to "thumbnail windows" as that term is generally understood (i.e. small displays). The use of such "thumbnail" displays to show images to a computer operator is a well-known expedient in the art. The use of such "thumbnail" displays in Kainen for the purpose of showing the operator of the Kainen device which images are available and which ones are currently selected for processing would be an expedient obvious to one of ordinary skill in the art.

Re claims 6-7 & 18, Kainen further discloses (column 5, lines 31-37) the use of an alignment mark placed upon the image as a point of reference for mounting the lenticular sheet.

Re claims 8 & 17, Kainen describes (column 3, lines 65-66) the importation of images from external sources such as a digital camera or scanner, but does not describe the image sources as "remote" or conveyed via the Internet. The conveyance of remote images via the Internet is a well-known expedient in the art. The use of the Kainen method and apparatus to process an image obtained by whatever source is conveniently available to the operator, such as the Internet, in order to convert this image into the three-dimensional graphic described by Kainen

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(Abstract) would be an expedient obvious to one of ordinary skill in the art.

Re claim 9, the disclosed division of each of the retrieved images into strips and interleaving with the others is a modification of the images.

Re claims 10-11, Kainen discloses the retrieval of three images (which inherently includes the retrieval of two images) to produce the final image that is mounted to the lenticular screen.

Re claims 12-13, Kainen further discloses (column 5, lines 51-57 & column 6, line 45 - column 7, line 5) a 3D image mode and a 3D animated image mode.

Re claim 16, Kainen further discloses (column 3, line 66) the importing of images from a digital camera.

***Allowable Subject Matter***

4. Claims 3-5, 19, & 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 3-4, 19, & 21 (and dependent claims 5 & 22), the art of record does not disclose the use of removable or pressure

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sensitive adhesive in conjunction with the recited affixing of a lenticular sheet to an image produced by processing a plurality of retrieved images.

**Conclusion**

6. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.


The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

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Hand-carried correspondence may be delivered to the  
Customer Service Window, located at the Randolph Building, 401  
Dulany Street, Alexandria, VA 22314.

  
Stephen M Brinich  
Examiner  
Art Unit 2624

smb  
October 13, 2005